

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 15th day of February, 2010 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Phillip Hyatt, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Reggie Winters, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary
Yvonne Stonebraker, Administrative Assistant

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Paul Alvarado, Public Works Director
Frank Truitt, City Inspector
Rickie Kilgore, Fire Chief

OTHERS PRESENT: Lu & Ralph Arcemont, Sandy Kubeck, Captain and Mrs. Tome Doran, Nancy and Jim Huddleston, Jim Price, Jim Mills, Jeanie & Donald Brummett, Marilyn Rimer/ Herald Newspaper, Phil & Nell Reynolds, Jim & Alpha Covington, Patty Gilden, Rose Mary Upton, Earl Buckmaster, Stehen Flynn, Michael Carey/Progress Newspaper, Margaret Garrett, David Underbrink/Naismith Engineering, Gary and Martha Reasonover

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on February 15, 2010.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

ITEM 3. CONSENT AGENDA:

A. CONSIDER AND ACT ON APPROVING THE MINUTES OF FEBRUARY 1, 2010.

B. CONSIDER AND ACT ON APPROVING ORDINANCE 2010 - 3970 GRANTING A CONDITIONAL USE PERMIT TO AHMAD FARAHNKIAN TO OPERATE A USED CAR LOT AT 1842 W. WHEELER AVENUE. BEING TRACT 5, BLOCK 207, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY, SUBJECT TO CONDITIONS SET FORTH.

Mayor Pro Tem Attaway made the motion to approve the Consent Agenda. Council Member Hyatt seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDER AND ACT ON INTERLOCAL AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND ARANSAS COUNTY FOR REPAIRS AND/OR IMPROVEMENTS TO CONN BROWN HARBOR WITH FUNDS PROVIDED BY TEXAS DEPARTMENT OF RURAL AFFAIRS – DISASTER RECOVERY DIVISION.

Donna Johnson with Grantworks stated the funds were from grants pertaining to Hurricanes Ike and Dolly through San Patricio County but because most of Conn Brown Harbor was in Aransas County, the beneficiaries were within San Patricio County, and the funds are flowing through the City of Aransas Pass, the Texas Department of Rural Affairs wanted an interlocal agreement between the City of Aransas Pass and Aransas County.

Mayor Knight stated the funds total approximately \$970,000.00.

Mayor Pro Tem Attaway made the motion to approve the Interlocal/Intergovernmental Agreement between the City of Aransas Pass and Aransas County for repairs and/or improvements to Conn Brown Harbor with funds provided by Texas Department of Rural Affairs-Disaster Recovery Division. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 5. **CONSIDER AND ACT ON WAIVING PERMIT AND INSPECTION FEES FOR HABITAT FOR HUMANITY ON A LOCAL BUILDING PROJECT.**

Jim Huddleston, President and CEO of the local Habitat for Humanity thanked the Council and City for the property to be used for the next Habitat for Humanity house. Mr. Huddleston gave an update on the building project and discussed their next fundraising event. He asked that the Council waive the permit and inspection fees for the house Habitat for Humanity was building in Aransas Pass at the present time.

City Manager Reggie Winters stated the inspection and permit fees should not be waived as it would set a precedent.

Mayor Knight stated each request should be taken on a “case by case” basis.

Mayor Pro Tem Attaway made the motion to approve waiving Permit and Inspection fees for Habitat for Humanity on a local building project. Council Member Mayer seconded the motion and the motion carried with Council Member Abrego abstaining due to a family relationship with the recipients of the Habitat for Humanity home.

ITEM 6. **DISCUSSION REGARDING THE STATUS OF THE AVENUE A STREET IMPROVEMENT PROJECT**

San Patricio County Commissioner Precinct 4 Jim Price stated Bill Rietmann with Texas Department of Transportation (TXDOT) had requested that Commissioner Price get Resolutions from the involved entities, which were the City of Aransas Pass and San Patricio County, basically stating the entities wanted the project to go forward. He stated TXDOT had informed him they would have to receive a second round of “stimulus money” for the project to go forward. He stated he did not know when TXDOT would begin the project. He stated San Patricio County had rebuilt and repaired Avenue A to last until TXDOT took over the street in 2005, which had not happened yet. He stated the City and San Patricio County had been repairing the street. He stated the City was supposed to take ownership of the street but the County had not provided the documentation to the City Attorney proving that San Patricio County owns Avenue A.

Commissioner Price stated Mr. Rietmann (TXDOT) wanted feedback from the government entities regarding the Farm Road 1069 improvements resulting in a three-lane road with shoulders. He stated the original concept was a five-lane road with curb and gutters and a sidewalk down the east side from Aransas Pass to Ingleside and some sidewalk area on the west side.

ITEM 7. **DISCUSSION REGARDING CHIPPING BRUSH FOR SAN PATRICIO COUNTY.**

San Patricio County Commissioner Precinct 4 Jim Price stated brush could no longer be taken to the airport for disposal. He stated the Commissioner’s Court was unwilling to man a station at the old collection station in Gregory for the County’s brush disposal. He asked that the Council consider accepting brush from San Patricio County Precinct 4 to be chipped by the City for a fee.

Mayor Knight stated the Council would work with Commissioner Price on this item.

ITEM 8. **PUBLIC HEARING ON THE REQUEST OF JAMES AND BRENDA BYRD FOR A CONDITIONAL USE PERMIT TO OPERATE A USED CAR LOT. THE PROPERTY IS DESCRIBED AS FARMLOT 1, TRACT 9 AND 10, W. WHEELER AVENUE, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GENERAL BUSINESS.**

City Attorney Allen Lawrence stated the Item could not be heard because the legal description of the property on the notices and in the agenda item were incorrect.

ITEM 9. **CONSIDER AND ACT ON THE REQUEST OF JIMMY AND BRENDA BYRD FOR A CONDITIONAL USE PERMIT TO OPERATE A USED CAR LOT. THE PROPERTY IS DESCRIBED AS FARMLOT 1, TRACT 9 AND 10, W. WHEELER AVENUE, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GENERAL BUSINESS.**

Passed over.

ITEM 10. **CONSIDER AND ACT ON REQUEST OF CAPTAIN TOM DORAN TO EXTEND HIS PRESENT DOCK SPACE AGREEMENT INTO A FIVE-YEAR LEASE WITH A 5-YEAR OPTION.**

Captain Tom Doran stated he and his wife currently had a month-to-month lease and were asking for a five-year lease. He stated they wanted to repair/rebuild the docks so his passengers could board the boat from the docks. He stated they presently pick passengers up at the Harbor Shrimp Company dock. He stated they wanted to landscape and improve the property.

Mayor Knight asked Captain Doran did he want to rebuild and repair the docks then be reimbursed the cost by the City, up to the amount of the lease payment for the next five years?

Captain Doran stated yes, like clause number 18 (in the lease agreement) with Aransas Pass Shrimp Packers, LLC.

Council Member Mayer asked how would the next agenda item referring to a moratorium on long-term leases apply to Captain Doran's lease?

Mayor Knight stated the moratorium would not pertain to Captain Doran's lease.

Mayor Pro Tem Attaway made the motion to approve the request of Captain Tom Doran to extend his present dock space agreement into a five-year lease with a five-year option, at \$3.00 per linear foot, with a reimbursement clause as discussed, contingent upon standard background and financial checks. Council Member Hyatt seconded the motion.

Mayor Knight asked were there any further questions?

Council Member Abrego asked was anyone going to oversee the repair Captain Doran does to the docks to be sure the repairs follow all the guidelines?

The City Manager stated the docks would be inspected. He asked City Inspector Frank Truitt would he inspect the docks?

The City Inspector stated no, the Corps of Engineers would inspect and approve structures in the water.

Mayor Pro Tem Attaway then amended his motion to approve the request of Captain Tom Doran to extend his present dock space agreement into a five-year lease with a five-year option, at \$3.00 per linear foot, with a reimbursement clause as discussed, contingent upon standard background and financial checks, and that all dock repairs pass inspection by the proper authorities. Council Member Hyatt seconded the motion and the motion carried with Council Member Abrego voting no.

ITEM 11. **CONSIDER AND ACT ON A MORATORIUM ON LONG-TERM LEASES IN CONN BROWN HARBOR.**

The City Manager stated a moratorium should be place on long-term leases until the City developed a master plan and a procedure for leasing property in Conn Brown Harbor. He state there should be one set of rules for everyone.

Council Member Abrego stated it was a good idea and she thought a one-year freeze would be sufficient.

Mayor Pro Tem Attaway made the motion to put a one-year moratorium on long-term leases for Conn Brown Harbor. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 12. **CONSIDER AND ACT ON A BUDGET AMENDMENT FROM THE ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT.**

President of the Crime Control and Prevention District Earl Buckmaster gave a short history of the Board and the resulting ½ cent sales tax increase to support the work of the Board. He gave a short financial review and stated the Police Department had requested two patrol units and started the bid process.

Mr. Buckmaster stated the Board's budget needed an amendment so the Board could pay some expenses not covered in the original budget.

Council Member Mayer made the motion to approve a budget amendment from the Aransas Pass Crime Control and Prevention District. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 13. CONSIDER AND ACT ON RESOLUTION 2010-631 – AUTHORIZING TAX RESALE OF LOT 9, SHANNON SUBDIVISION, S. LAMONT STREET.

After a short discussion, Mayor Pro Tem Attaway made the motion to approve Resolution 2010-631 authorizing the tax resale of Lot 9, Shannon Subdivision, S. Lamont Street. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 14. CONSIDER AND ACT ON A NOMINATION TO THE SAN PATRICIO COUNTY APPRAISAL BOARD.

After a short discussion, Council Member Mayer made the motion to nominate Mr. Doil Kellar to the San Patricio County Appraisal Board. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

ITEM 15. CONSIDER AND ACT ON CITY RECYCLING AND CLEANUP PROGRAMS.

The City Manager stated he had spoken to Allied Waste regarding a recycling program. He stated there were several options available and the best option for the City would be to open the City's transfer station for recycling. He stated Allied Waste would supply cardboard boxes to hold recyclable materials. He stated there was a building at the transfer station that would hold the boxes. He stated the transfer station would be open on Saturdays for disposing of recyclables at no charge to citizens. He stated the recycling would be limited to plastic, paper, cardboard and aluminum cans at this time. He stated the transfer station could also accept bulk items and brush/limbs for dumping. He stated citizens could use the transfer station for free on Saturdays and that would encourage citizens to keep the City clean.

The City Manager discussed the possibility of receiving a grant to build a permanent recycling building at the transfer station and expanding the recycling program to computer parts, used tires and other materials.

Mayor Pro Tem Attaway made the motion to authorize the City Manager to institute a recycling and cleanup program for the City. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 16. CONSIDER AND ACT ON CALLING A CITY COUNCIL WORKSHOP FOR FEBRUARY 18, 2010.

The City Manager stated a developer wanted to present his idea for developing Conn Brown Harbor to the City Council.

Council Member Mayer made the motion to call a City Council Workshop for 7:00 p.m., February 18, 2010. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 17. CITIZENS' COMMENTS.

Jim Covington stated he still could not hear the Council.

ITEM 18. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session at 7:43 p.m.

A. Section 551.074 Personnel Matters – City Secretary
To discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee

ITEM 19. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Regular Session at 7:56 p.m.

A. Section 551.074 Personnel Matters – City Secretary
To discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee

Mayor Pro Tem Attaway made the motion to accept the retirement of City Secretary Ada Owens effective February 28, 2010 and appoint Yvonne Stonebraker as City Secretary effective March 1, 2010. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 20. ADJOURNMENT OF MEETING.

Mayor Pro Tem Attaway made the motion to adjourn the meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 7:56 p.m.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary